

TOWN OF ST. JOSEPH RESOLUTION NO. 2006-01CITY OF ST. JOSEPH RESOLUTION NO. 2006-17JOINT RESOLUTION FOR ORDERLY ANNEXATION BETWEEN THE  
TOWN OF ST. JOSEPH AND THE CITY OF ST. JOSEPH, MINNESOTA

WHEREAS, the Town of St. Joseph (hereinafter referred to as the "Town") and the City of St. Joseph (hereinafter referred to as the "City"), both located entirely within Stearns County, in the State of Minnesota, have agreed that there is a clear need for a cooperative future planning effort for the land governed by the two jurisdictions; and,

WHEREAS, to this end, have met extensively in discussion and study of future planning issues as the Greater St. Joseph Area Committee; and,

WHEREAS, the Town Board and City Council have expressed their desire to encourage future development of land near the City so as to avail such development of municipal services as much as is practical, while encouraging the retention of land in agricultural use;

NOW, THEREFORE, BE IT RESOLVED, in consideration of the mutual terms and conditions that follow, that the City and Town enter into this Joint Resolution for Orderly Annexation.

1. Designation of Orderly Annexation Area. The Town and City desire to designate the area set forth on the map attached (Exhibit 4) and the legal descriptions attached (Exhibits 1, 2 and 3) as subject to orderly annexation under and pursuant to Minnesota Statutes Section 414.0325.
2. Minnesota Municipal Board Jurisdiction. Upon approval by the Town Board and the City Council, this Joint Resolution shall confer jurisdiction upon the Minnesota Municipal Board (hereinafter referred to as the "Municipal Board") so as to accomplish said orderly annexations in accordance with the terms of this Joint Resolution.
3. No Alterations of Boundaries. The Town and City mutually agree and state that no alterations by the Municipal Board of the stated boundaries of the area designated for orderly annexation is appropriate.
4. Review and Comment by the Municipal Board. The Town and City mutually agree and state that this Joint Resolution and Agreement sets forth all the conditions for annexation of the areas designated, and that no consideration by the Municipal Board is necessary. The Board may review and comment, but shall, within thirty (30) days, order the annexation in accordance with the terms of this Joint Resolution.

All zoning and subdivision regulation within the orderly annexation area, prior to annexation, shall be controlled by a three (3) member commission, with one member appointed from each of the City Council, Town Board, and the Stearns County Board of Commissioners.

Such membership to this committee shall be appointed on an annual basis by both the City Council and the Town Board. The County membership shall be held by the Commissioner for the district containing both the City and Township.

This committee shall serve as the "governing body" and "board of appeals and adjustments", for purposes of Sections Minnesota Statutes, Sections 462.357 and 462.358, within the orderly annexation area. The committee shall have all of the powers contained in Minnesota Statutes, Sections 462.351 to 462.364, and shall have the authority to adopt and enforce the Uniform Fire Code promulgated pursuant to Section 299F.011. Following annexation, the annexed properties shall be subject to the zoning and subdivision controls of the City, and the City Council shall serve as the "governing body."

6. Municipal Reimbursement. The City and Town mutually agree and state that, pursuant to Minnesota Statutes 414.036, a reimbursement from the City to the Town shall occur for the taxes collected on land annexed into the City, according to the following conditions:

- A. All reimbursement will be based on the valuation and tax capacity of the land as it exists in the Town at the time of its annexation.
- B. The reimbursement on said land shall be based on a five (5) year schedule with a percentage of base taxes reimbursed to the Town as follows:

Year 1	60%
Year 2	50%
Year 3	40%
Year 4	30%
Year 5	20%

- C. At the sixth year, and every year thereafter, all pertinent tax revenues will be the property of the City.
- D. Any circumstances of extreme undue hardship may be cause for re-negotiation of this section on a case-by-case basis.

7. Conditions for Orderly Annexation.

- A. Zones 1, 2 and 3 in Prior Annexation Agreements.

The December 18, 1997 Annexation Agreement between the City and Town contained three zones which were to be annexed into the City over differing periods of time. The City and Town desire to maintain the zones for purposes of this Agreement. The zones are designated as:

<b>ZONE</b>	<b>PROJECTED LIFE</b>	<b>LEGAL DESC.</b>	<b>MAP</b>
Zone 1	0-1 Year (1997-2002)	Exhibit 1	Exhibit 4
Zone 2	6-10 Years (2003-2007)	Exhibit 2	Exhibit 4
Zone 3	11-20 Years (2008-2017)	Exhibit 3	Exhibit 4

The City will continue to make reasonable efforts to provide and plan for the possible extension of services into each zone within the projected life of each zone. Once the projected life of a zone has expired, such as is the case for Zone 1, the City may annex the property on the City's own petition for annexation and the annexation shall not be subject to the annexation petition requirements in paragraph 7B below, and shall not be subject to the Criteria for Annexation in paragraph 7C [1] below. Provided all of the remaining required criteria have been met by the City, the Township shall not object to such annexation petition by the City.

Zone 2 will expire on December 31, 2007. Zone 3 will expire on December 31, 2017.

Unless a petition of property owners for annexation has been filed with the City pursuant to paragraph 7B below, and the criteria for annexation as established in paragraph 7C below of this agreement is met, the City agrees not to petition for annexation of any area within Zone 2 until December 31, 2007, or unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other state or federal regulatory agency.

Unless a petition of property owners for annexation has been filed with the City pursuant to paragraph 7B below, and the criteria for annexation as established in paragraph 7C below of this agreement is met, the City agrees not to petition for annexation of any area within Zone 3 until December 31, 2017, or unless it is ordered to provide sanitary sewer and/or municipal water services to any areas in said zone by the MPCA or any other state or federal regulatory agency.

For all areas within the annexation area between the City and Town which are not a part of Zone 1, Zone 2 and Zone 3, the City agrees not to petition for annexation of any area unless a petition of property owners for annexation has been filed with the City pursuant to paragraph 7B, Annexation Petition Requirements, and the Criteria for Annexation as established in paragraph 7C of this Agreement have been met.

#### B. Annexation Petition Requirements.

Subject to the exceptions in paragraph 7A above, the owners of at least sixty (60) percent of the parcels of property in the affected area must petition in order for the annexation to be considered.

If the owners of sixty (60) percent or more, but less than one hundred (100) percent of the parcels of property in the affected area petition for annexation, a joint hearing of both the Town Board and the City Council shall be called to consider the petition. The petition shall not be approved unless both the Town Board and City Council, voting as separate boards, approve the petition seeking annexation.

If the owners of one hundred (100) percent of the parcels of property in the affected area petition for annexation, the City Council will, as an agenda item at their next regular Council meeting, review the petition for consideration of annexation.

#### C. Criteria for Annexation.

Subject to the exceptions set forth in paragraph 7A above, the City and Township agree that, unless both the Township and City mutually agree to consider a specific annexation request, property will not be annexed unless all three of the criteria stated below are satisfied:

1. A petition for annexation has been received and either 100% of the property owners have petitioned to do so, or the subject property has completed the hearing process as hereinafter set forth, with approval of the proposed annexation being obtained from both the City and Township; and
2. The property for which annexation is sought is contiguous to the City Limits. For the purposes of this requirement, "contiguous" shall mean:
  - a. That the property is sought to be annexed abuts property within the City; or
  - b. That the property sought to be annexed would abut property within the City, but for the existence of an intervening road right-of-way, the existence of the body of a river or the existence of the body of a lake. A road right-of-way (other than as if traversed across its width to get to the property to be annexed as provided for in this paragraph) shall not be used as a basis for a finding that said property abuts or is contiguous to property within the City; or
  - c. If only an apex of the property sought to be annexed abuts property within the City; and
3. The City has immediate ability to extend water and sewer services to the subject property and the property owner has good faith intent to immediately plat the property for which annexation is sought. That following annexation, but before a building permit is issued by the City for the construction of any structures thereon, City water and sewer services must be provided to the structure for which any building permit is sought.

In the event that the City and Township mutually agree to consider an annexation request that does not meet all three (3) criteria established above, at least 60% of the affected property owners must submit a petition for annexation. In that event, a joint hearing of both the Town Board and the City Council shall be called to consider and act on the petition. The petition for annexation shall not be approved unless both the Town Board and the City Council, voting as separate bodies, approve the petition seeking annexation.

8. Joint Planning Committee. Any issues that would normally come before the Planning Commissions of either the City or the Town that involves land within the boundaries of the orderly annexation area described in Section One prior to annexation, will be heard by a Joint Planning Commission.

Membership of this Joint Planning Commission shall be as follows:

- A. Three (3) members from the City Planning Commission
- B. Three (3) members from the Town Planning Commission
- C. The City member of the Orderly Annexation District Planning and Zoning Authority.
- D. The Town member of the Orderly Annexation District Planning and Zoning Authority.

The posting and publishing of meetings for the Joint Planning Commission, as well as the taking of minutes for their meetings, shall be the responsibility of the Town Clerk.

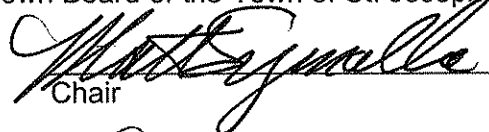
Following annexation, the annexed parcel will fall under authority of the City of St. Joseph.

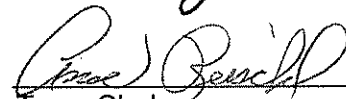
9. Periodic Review. The City and Town mutually agree and state that a periodic review of this agreement is to be conducted beginning three (3) years after the effective date of this agreement and every three (3) years thereafter. The Joint Planning Committee as described in Section 8 of this agreement shall be responsible for conducting this periodic review, and shall present a report of said review to both the City Council and Township Board for their consideration of any recommendations.
10. Authorization. The appropriate officers of the City and Town are hereby authorized to carry the terms of this Joint Resolution into effect.
11. Severability and Repealer. A determination that a provision of this joint Resolution is unlawful or unenforceable shall not affect the validity or enforceability of the other provisions herein. Any prior agreement or joint resolution existing between the parties and affecting the property described in the attached Exhibits shall be considered repealed upon the effective date of this Joint Resolution.

Upon adoption of this Orderly Annexation Agreement by the City of St. Joseph and Township of St. Joseph, and approval by the OAH-MBAO, the Joint Resolution as to Orderly Annexation, City of St. Joseph and Township of St. Joseph, dated October 2, 1975 and subsequently amended by joint resolution approved by the City of St. Joseph on April 16, 1987, and approved by the Town of St. Joseph on April 27, 1987 and subsequently amended by joint resolution approved by the City of St. Joseph on December 18, 1997 and approved by the Town of St. Joseph on December 29, 1997, shall hereby be considered revoked by the provisions of this Agreement.


12. Effective Date. This Joint Resolution shall be effective upon adoption by the governing bodies of the City and Township and approval by the OAH-MBAO.

Approved the 30th day of May, 2006, by the Town Board of the Town of St. Joseph.

  
Chair

  
Town Clerk

Approved the 1<sup>st</sup> day of June, 2006, by the City Council of the City of St. Joseph.

  
Mayor

  
Administrator

## Exhibit 1

0 – 5 Year Urban Service Area

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**Section 02-124-29**

S ½ - SW ¼ West of CR 133 Less City

**Section 03-124-29**

S ½ - SW ¼ Less City

**Section 04-124-29**

SE ¼ - SE ¼ No. of Sly R/W of Railroad

**Section 09-124-29**

NE ¼ - NE ¼ - NE ¼ No. of Sly R/W of Railroad

E ½ So. of CSAH 75 Sly R/W Less City

S ½ - SW ¼ E of I-94 Ely R/W

**Section 10-124-29**

E ½ - NE ¼ No. of Nly R/W of Railroad Less City

NE ¼ - NW ¼ Less City

W ½ - NW ¼ Less City

**Section 11-124-29**

W ½ - NW ¼ lying NWly of County Road No. 133

**Section 14-124-29**

N ½ - NW ¼ Less City

Exhibit 2  
6 – 10 Year Urban Service Area**Section 01 – 124- 29**

W ½ - SW ¼

**Section 02-124-29**

SE ¼

N ½ - SW ¼

**Section 03-124-29**

W ½ - NE ¼

NW ¼

NW ¼ - SW ¼

NE ¼ - SW ¼

NW ¼ - SE ¼

No. 10 A of SE ¼ - SW ¼

No. 10 A of SW ¼ - SE ¼

**Section 04-124-29**

NE ¼ - SE ¼

NW ¼ - SE ¼ E. of So. Fork Watab River

SW ¼ - SE ¼

SE ¼ - SE ¼ So. of Sly R/W of Railroad

S ½ - SW ¼ So. of Sly R/W of CSAH 75

**Section 09-124-29**

NW ¼ – NW ¼ So. of Sly R/W of CSAH 75

N ½ - SW ¼

**Section 11-124-29**

W ½ - E ½ Less City

NE ¼ - NE ¼

**Section 12 – 124 – 29**

NW ¼ - NW ¼

**Section 14-124-29**

NW ¼ - NE ¼

W 792 Ft SW ¼ - NE ¼ Less Triangle, Containing 20 A.

S ½ - NW ¼

SW ¼

**Section 15-124-29**

Entire Section 15 Less City

**Section 16-124-29**

N ½ - NE ¼ Less City

S ½ - NE ¼ E of Ely R/W I-94

NW ¼ E. of Ely R/W I-94

SE ¼ E. of Ely R/W I-94

**Section 22 – 124 – 29**

Entire Section 22 North of Interstate Highway 94 Nly R/W Less City

Exhibit 3  
11 – 20 Year Urban Service Area

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**Section 01-124-29**

Entire Section Except W  $\frac{1}{2}$  - SW  $\frac{1}{4}$

**Section 02-124-29**

NE  $\frac{1}{4}$   
NW  $\frac{1}{4}$

**Section 03-124-29**

E  $\frac{1}{2}$  - NE  $\frac{1}{4}$

**Section 11-124-29**

E  $\frac{1}{2}$  - E  $\frac{1}{2}$  Except NE  $\frac{1}{4}$  - NE  $\frac{1}{4}$

**Section 12-124-29**

Entire Section Except NW  $\frac{1}{4}$  - NW  $\frac{1}{4}$

**Section 13-124-29**

That part of Section 13 North of the Sauk River

**Section 14-124-29**

That part of Section 14 North of the Sauk River described as follows:

E  $\frac{1}{2}$  - NE  $\frac{1}{4}$   
E. 792 Ft SW  $\frac{1}{4}$  - NE  $\frac{1}{4}$  Less Triangle, Containing 20 A.  
SE  $\frac{1}{4}$

**Section 21-124-29**

That part of Section 21, Northeast of Interstate Highway I-94

**Section 22-124-29**

That part of Section 22 lying NE of County Road 121

**Section 23-124-29**

That part of Section 23 North of the Sauk River & East of County Rd 121

**Section 04-124-29**

NW  $\frac{1}{4}$   
NE  $\frac{1}{4}$   
SW  $\frac{1}{4}$  N. of Nly RW of CSAH 75  
NW  $\frac{1}{4}$  - SE  $\frac{1}{4}$  lying W. of the centerline of Watab Creek

**Section 05-124-29**

That part lying easterly and northeasterly of the easterly and northeasterly right-of-way line of Interstate Highway Number 94

**Section 08-124-29**

That part lying easterly and northeasterly of the easterly and northeasterly right-of-way line of Interstate Highway Number 94





**Section 09-124-29**

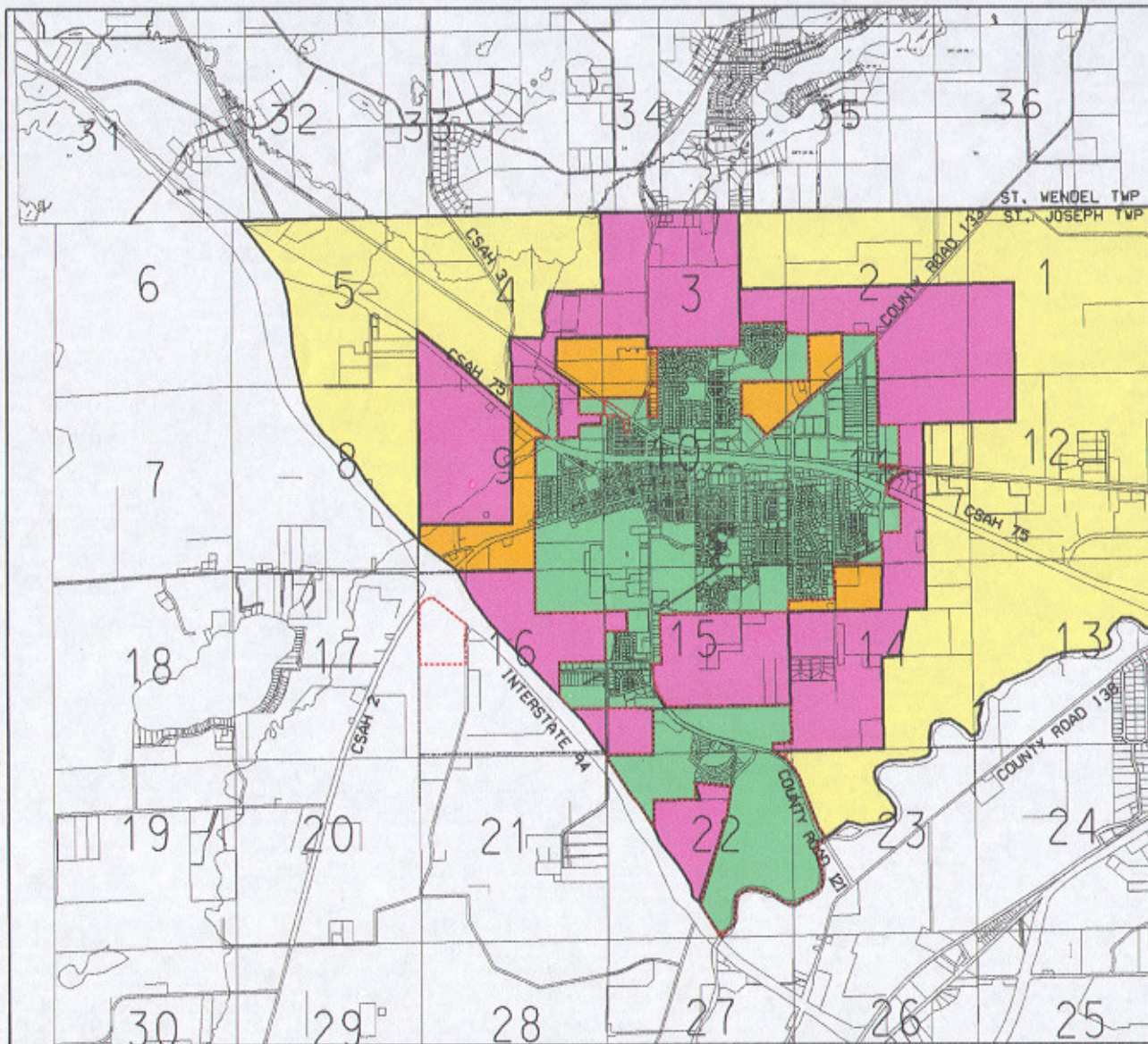
NE  $\frac{1}{4}$  - NW  $\frac{1}{4}$  N. of northeasterly RW of CSAH 75



EXHIBIT 4

CITY - TOWNSHIP  
ORDERLY ANNEXATION AGREEMENT

-  ST. JOSEPH CITY LIMITS
-  ORDERLY ANNEXATION ZONE: 1998 THRU 2002
-  ORDERLY ANNEXATION ZONE: 2003 THRU 2007
-  ORDERLY ANNEXATION ZONE: 2008 THRU 2017



CITY OF ST. CLOUD



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ST. JOSEPH  
MINNESOTA

*[Signature]* CITY OF ST. JOSEPH

MAP 8  
ANNEXATION MAP

FILE NO. STJOE0801.00
DATE 05/30/06

FIGURE NO. 1
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